



06 DEC 2007

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of BECKER et al.	:
Application No.: 10/532,393	: DECISION ON
PCT No.: PCT/EP03/10470	:
Int. Filing: 19 September 2003	: RENEWED PETITION
Priority Date: None	:
Attorney Docket No.: 6097P063	: UNDER 37 CFR 1.47(a)
For: BEARING HOUSING	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 June 2007 to accept the application without the signature of joint inventor Nicolas Delucis.

BACKGROUND

On 07 June 2007, applicant filed a petition along with a petition to revive and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor Nicolas Delucis alleging that Mr Delucis refuses or is unavailable to sign.

On 24 July 2007, a decision dismissing the petition was mailed indicating that the declaration executed by Markus Becker was altered and a new declaration was required. Petitioner was also advised that it had not been demonstrated that the inventor refused to sign or was unavailable.

On 19 October 2007, a renewed petition under 37 CFR 1.47(a) was filed along with a newly executed declaration by Markus Becker.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) and (3) were previously satisfied. With regard to item (4), the declaration executed by Markus Becker was submitted and is acceptable. Declarations by the available joint inventors on their behalf and on behalf of the non-signing inventor have now been submitted and Item (4) is satisfied.

With respect to Item (2) above, a statement of first hand knowledge by Michael Mallie, attorney for the above named law firm, was attached to the petition, which related numerous attempts to mail a copy of the "declaration" to the nonsigning inventor and numerous attempts to

locate Mr. Delucis via the Internet and contact with his former employer. All such efforts were unsuccessful in locating Mr. Delucis.

The action taken by petitioner is sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it can now be concluded that the nonsigning inventor is unavailable to sign the application.

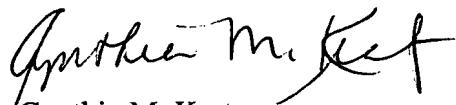
In sum, Petitioner has satisfied Items (1) through Item (4) above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 19 October 2007. The application has an international filing date of 19 September 2003 under 35 U.S.C. 363, and a date of 19 October 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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UNITED STATES PATENT AND TRADEMARK OFFICE

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:

Dear Mr. Delucis:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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